

BRITISH COLUMBIA
LABOUR RELATIONS BOARD

Suite 600 - Oceanic Plaza
1066 West Hastings Street
Vancouver BC V6E 3X1

Phone: (604) 660-1300
Fax: (604) 660-1892

MULTIPLE FAX TRANSMITTAL

Date:	June 15, 2012
Time:	11:20 a.m.
Pages:	5
(including the cover page)	

From:	Ritu Mahil Vice-Chair
Faxed By:	Chrissie Robinson Executive Assistant

RE: British Columbia Public School Employers' Association -and-
British Columbia Teachers' Federation
(Part 5 and Section 135 - Case No. 63467/12)

BOTTOM-LINE DECISION

To: Roper Greyell LLP
Attention: Delayne M. Sartison, Q.C.

Fax No: 604-806-0933

To: Victory Square Law Office LLP
Attention: Craig Bavis

Fax No: 604-684-8427

Please find attached Decision dated June 15, 2012. Hard copies will be followed up by mail.

****NOTE: FACSIMILE OPERATOR, PLEASE CONTACT THE ABOVE INTENDED RECEIVER
AS SOON AS POSSIBLE. THANK-YOU**

**BRITISH COLUMBIA
LABOUR RELATIONS BOARD**

"BY FAX"

June 15, 2012

To Interested Parties

Dear Sirs/Mesdames:

Re: British Columbia Public School Employers' Association -and-
British Columbia Teachers' Federation
(Part 5 and Section 135 - Case No. 63467/12)

Enclosed is a copy of the Board's decision rendered in connection with the above-noted matter.

If you require further information on Board procedures, please call the Board's Information Officer.

Please note that an application for leave for reconsideration shall be subject to a fee of \$200.00. Payment may be made by a credit card, cheque, debit card or by charging the amount to a pre-approved account.

Yours truly,

LABOUR RELATIONS BOARD



Chrissie Robinson
Executive Assistant to
Ritu Mahil
Vice-Chair

Enclosure(s)
RM/cr

Interested Parties:

British Columbia Public School Employers' Association
400 - 1333 West Broadway
Vancouver BC
V6H 4C1
ATTENTION: Karen Jewell

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Re: British Columbia Public School Employers'
Association
June 15, 2012
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Interested Parties:

Roper Greyell LLP
800 Park Place - 666 Burrard Street
Vancouver BC
V6C 3P3
ATTENTION: Delayne M. Sartison, Q.C.

(For the Employer)

British Columbia Teachers' Federation
100 - 550 West 6th Avenue
Vancouver BC
V5Z 4P2
ATTENTION: Susan Lambert

Victory Square Law Office LLP
500 - 128 West Pender Street
Vancouver BC
V6B 1R8
ATTENTION: Craig Bavis

(For the Union)

**BRITISH COLUMBIA
LABOUR RELATIONS BOARD**

June 15, 2012

To Interested Parties

Dear Sirs/Mesdames:

Re: British Columbia Public School Employers' Association -and-
British Columbia Teachers' Federation
(Part 5 and Section 135 - Case No. 63467/12)

This is to advise the parties that I have decided to issue a bottom-line decision in this matter. If reasons are requested within five working days of the date of this letter, written reasons will be provided.

BCPSEA applied for a declaration that the Union has declared or authorized an unlawful strike through the passage of its April 20, 2012 revised Action Plan and the Union's directions or advice to its members concerning its implementation. BCPSEA further seeks an order that the Union refrain from declaring, authorizing or participating in an unlawful strike.

My bottom-line decision with respect to BCPSEA's application is as follows.

I find that the Union has not declared or authorized an unlawful strike by directing its members to refrain from participating in activities which occur outside of class time/instructional hours and are truly voluntary and extra-curricular. These include coaching, instructing or supervising student performances, sports teams, clubs or field trips, or attending graduation or awards ceremonies, where those activities are not related to a course or undertaken for marks.

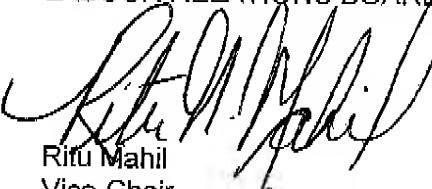
I further find the Union has not declared or authorized an unlawful strike by directing its members to minimally participate in meetings with Administrative Officers.

However, I find that the Union has declared or authorized an unlawful strike by directing or authorizing its members to withdraw from activities which, although they occur outside of instructional hours, may nonetheless be part of their work duties. These include participating in School Based Team meetings, Individual Education Program meetings, parent-teacher interview meetings, district committee meetings, and BC Ministry of Education initiatives such as Ready Set Go and kindergarten orientation. The Union is directed to cease and desist from declaring or authorizing an unlawful strike in this manner.

The Union is to communicate this order to its members.

Yours truly,

LABOUR RELATIONS BOARD


Ritu Mahil
Vice-Chair

RM/cr

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ATTENTION: Craig Bavis (For the Union)